

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

JEFFERY DALE PRYOR,
ADC #122995

PLAINTIFF

V.

3:02CV00336 JLH/JTR

RICHARD BUSBY,
Sheriff of Crittenden County, et al.

DEFENDANTS

ORDER

Plaintiff, who is represented by counsel, has commenced this § 1983 action alleging that Defendants violated his constitutional rights while he was incarcerated at the Crittenden County Detention Center (“CCDC”). *See* docket entries #2 and #7. The case is currently scheduled to proceed to an Evidentiary Hearing/Trial on December 6, 2005. *See* docket entry #56.

On September 22, 2005, Defendants filed an Unopposed Motion for Stay and a Supporting Brief. *See* docket entries #59 and #60. In those pleadings, Defendants state that separate Defendant Leon Haley, the Chief Jailer of the CCDC, has recently been deployed with his National Guard Unit to the Gulf Coast area to assist in the clean-up efforts in the wake of hurricane Katrina. *Id.* Defendants further contend that, pursuant to the Servicemember Civil Relief Act, 50 App. U.S.C. 501, et seq., Defendant Haley is entitled to a stay of this action until the conclusion of his deployment. *Id.* Because Defendants do not “expect the activation of Defendant Haley’s unit to be a lengthy deployment,” they request that the case be stayed for 90 days, subject to a future extension if necessary. *See* docket entry #59 at ¶ 3. Finally, Defendants affirmatively state that Plaintiff joins in their request for a stay. *See* docket entry #59 at ¶ 4.

The Court is anxious to resolve this case, which was: (1) commenced on October 10, 2002; and (2) “indefinitely continued” from February 26, 2004 until April 28, 2005, while Defendant Robert Bretherick, the CCDC Head Administrator, was being tried in the criminal matter of *United States v. Bretherick*, 4:04CV0009 JMM. *See* docket entries #1, #45 and #47. However, the Court finds the parties’ mutual request for a stay to be reasonable and well-founded in the law. *See* 50 App. U.S.C. § 522 (providing that a court “shall” stay, “for a period of not less than 90 days” and subject to extension, a civil proceeding in which a plaintiff or defendant is actively engaged in military service).

Accordingly, the Court will grant the Motion with instructions that the parties file, within 90 days of the entry of this Order, a Joint Status Report indicating whether it is necessary to extend the stay and, if not, when the soonest possible date that this case can be set for an evidentiary hearing/trial.

IT IS THEREFORE ORDERED that:

1. Defendants’ Unopposed Motion for Stay (docket entry #59) is GRANTED, and this case is STAYED.
2. Defendants shall file, **within ninety days of the entry of this Order**, a Joint Status Report containing the information specified in this Order.
3. The December 6, 2005 Evidentiary Hearing/Trial is CANCELED, and the July 11, 2005 Second Amended and Final Scheduling Order (docket entry #56) is VACATED.

Dated this 27th day of September, 2005.


UNITED STATES MAGISTRATE JUDGE